

County Clerks' Legislative Committee

Legislative Requests and Status of Requests

Legislative Request	Clerks' Position in Favor of Change	Status of Request	Current Law and Committee Staff Notes
<p>This chart contains only those topics that the county clerks have listed as their top priorities since giving their presentation during the July 18 Government Operations Interim Committee Meeting.</p>			
1. Permit polling places for early voting to be located in non-government buildings	<ul style="list-style-type: none">It is difficult to find buildings that are ADA accessible, and that have facilities for the equipment<ul style="list-style-type: none">There is often not an adequate government building in the district, despite the exceptions allowed for in the code	"Allowance of Polling Places for Early Voting" draft completed for committee consideration (file 0460)	<p>Polling places used for early voting must be "located in a government building or office, unless no government building or office is available." (§20A-3-603(1)(d))</p> <p>Staff Notes: This language was added as a floor amendment in the Senate during debate on instituting early voting. (2006 Gen. Session, Day 40)</p> <p>Potential Con:</p> <ul style="list-style-type: none">The sponsor's stated purpose for the floor amendment was to avoid putting polling places in private locations (specifically mentioned were "malls and grocery stores")

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2. Require all ballot items, including ballot questions, to be submitted to the clerk by a uniform date	<ul style="list-style-type: none"> Creates more uniform procedures Improves deadlines for printing absentee ballots 	<p>"Timing of Ballot Items" draft completed for committee consideration (file 0461)</p> <p>Staff Notes:</p> <p>The Committee's draft bill, "Election Law Modifications", proposes to set a uniform date of September 8 for the following deadlines:</p> <ul style="list-style-type: none"> Certification of candidates and judges up for retention election; and Initiative ballot titles <p>The clerk's proposed draft requires that ballot questions be authorized and finalized no later than 60 days before the election, unless the code specifically requires a different date.</p> <p>Because specific submission dates are already required for bond questions, initiatives, referendums, and constitutional amendments, these ballot questions will not be affected by this draft bill's proposed changes.</p> <p>Potential Con:</p> <p>May require the party that is submitting a ballot question to start the approval process for the ballot question earlier.</p>	<p>• Current deadlines for certifying items for the ballot in regular general elections range from September 1 through September 5</p> <ul style="list-style-type: none"> After certification, candidates may be replaced, in certain circumstances, up until 30 days before the election (§20A-1-501) Courts have the ability to change the ballot after the certification date in response to legal challenges (e.g. certain initiative and referendum issues, removing candidates from the ballot for election violations, etc.) <p>Staff Notes:</p> <p>Under subsection 20A-4-304(2)(c), county clerks are required to report their election results as follows:</p> <ul style="list-style-type: none"> record the results in their own election records; send a certificate of nomination to each nominated or elected candidate; publish the certified report in a newspaper within general circulation in the board's jurisdiction; post the certified report in a conspicuous place within the jurisdiction, and file the report with the lieutenant governor. <p>Staff Notes:</p> <p>Potential Con:</p> <ul style="list-style-type: none"> Newspapers may not publish the certified report if the county does not pay to have it published.

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4. Remove the obligation for local school board candidates to file financial disclosure reports on September 15	<ul style="list-style-type: none"> Usually, local candidates have nothing to report on the September 15 report There is a large administrative difficulty in obtaining the September 15 reports 	<p><i>This item has been withdrawn at the request of the county clerks (file 0462)</i></p> <ul style="list-style-type: none"> Under Subsection 20A-11-1303(1), state and local school board candidate are required to file campaign finance reports on these dates: <ul style="list-style-type: none"> (a) seven days before the regular primary election date, if the candidate is on the ballot in the primary election; (b) September 15, unless the candidate is unopposed; and (c) seven days before the regular general election date. The September 15 report: <ul style="list-style-type: none"> is not required for municipal & county candidates. (§§10-3-208, 17-16-6.5) is required for statewide candidates & legislative candidates. (§§20A-11-204(1), 303(1)) 	<p>Staff Notes: The draft bill "Campaign Finance Disclosure Revisions", as amended during the October Interim meeting, makes the opposite policy choice, keeping the requirement to file.</p> <p>Potential Con:</p> <ul style="list-style-type: none"> Would eliminate one opportunity for public disclosure
5. Require non-county entities (e.g. school districts or service districts) to sign the ballot certifications for non-county ballot issues rather than the county clerk	<ul style="list-style-type: none"> Requiring the non-county entity to sign would reinforce who is proposing the ballot item The change would eliminate a currently contested ambiguity 	<p><i>Draft completed, but this item has been withdrawn at the request of the county clerks (file 463)</i></p>	<p>Staff Notes:</p> <ul style="list-style-type: none"> The current code does not specify who should sign for a ballot issue that is brought by an entity other than the county or municipality (e.g. a school district or an independent entity) Specific example: "If there is a voted leeway bond for a school district on the ballot, should the business administrator of the school district sign the ballot certification, or should that duty fall to the county clerk?" This issue is a policy choice for the Legislature
6. Eliminate the requirement to return the pollbook to the county clerk after the canvass	<ul style="list-style-type: none"> Municipalities should preserve and retain their own election results Avoids splitting the retention of elections materials 	<p>"Revision to Polling Requirements" draft completed for committee consideration (file 0464)</p>	<p>"Within ten days after the canvass of a November municipal election, special district election, bond election, or special election, the clerk or recorder shall transmit the checked official register and pollbook to the county clerk." (§20A-4-305)</p> <p>Staff Notes: None</p>

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7. Remove obsolete language requiring the use of arrows when designing certain ballots	This language was specific to punch cards, which will no longer be used.	<p><i>This change was included in the Committee's amendment to the bill recommended in the October 17 meeting, entitled "Election Law Modifications"</i></p> <p>Staff Notes: When the election code was re-written to accommodate electronic voting, this language was left in place in order to accommodate the continued use of punch card machines in local elections. The county clerks indicate that punch card machines will now no longer be used for any future elections.</p>	<p>"When preparing the format of a ballot sheet (which includes scantron bubble sheets and punch cards), the statute requires election officers to use "arrows to indicate the place to vote for each candidate on each measure". (§20A-6-303(1)(h)(B)(i))</p> <p>Staff Notes: Recent changes in the dates of city elections have made the deadlines for filing for candidacy for special districts inconsistent. This change would provide uniformity.</p>
8. Change candidate declaration deadlines to conform to city deadlines	<ul style="list-style-type: none"> • Change would create uniformity in filing period • Makes sense for candidates and the public 	<p><i>"Declaration of Candidacy Revisions" draft completed for committee consideration (file 0466)</i></p>	<p><i>File open, this item is on hold at the request of the county clerks (file 0467)</i></p>
9. Clarify the separation of the county and special district elections and make sure that code references to coordination with the county are removed because special district elections now happen on the municipal year			